IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4353 of 2006()

CRA.492/2000 of ADDL. SESSIONS COURT (ADHOC) FAST TRACK COURT-I, TRIVANDRUM.
CC.1445/1998 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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REVN. PETITIONER/APPELLANT/ACCUSED:

A. NAWAS, AGED 31 YEARS,
S/O. ABOO SHAMAM,
CHIRATHALACKAL THEKKETHU VEEDU,
PERATHUMUGAL, PIRAPPANKODE P.O.,
TRIVANDRUM.

BY ADV. SRI.G. UNNIKRISHNON
ADV. SRI.V.JOHN SEBASTIAN RALPH

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. M/S. VIKAS HIRE PURCHASE CO. PVT. LTD.,
RAJESWARI BUILDING,
ATTARA COMPLEX, CENTRAL THEATRE ROAD,
PAZHAVANGADI, TRIVANDRUM, REPRESENTED
BY ITS MANAGER M.S. HARIHARAN.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.V.V.PRATHEEKSH KURUP
R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4353 OF 2006

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Dated this the 6th December , 2006

O R D E R

In C.C.No. 1445 of 1998 on the file of the court of the Chief Judicial Magistrate, Thiruvananthapuram, the petitioner was found guilty for the offence under section 138 of the Negotiable Instruments Act . The accused was sentenced to pay a fine of Rs. 60,000/- and in default of payment of fine, to undergo simple imprisonment for three months. The trial court also directed that out of the fine amount, on its realisation, an amount of Rs. 54,700/- shall be paid to the complainant as compensation. On appeal by the accused, the appellate court dismissed the appeal confirming the conviction and sentence.

2. Crl. M.A.No. 11749 of 2006 filed under section 147 of the Negotiable Instruments Act by the accused and the complainant was allowed.

In the result, the Crl. Revision Petition is allowed. The conviction

and sentence imposed on the petitioner are set aside. The petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 10632 OF 2006

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Dated this the 6th December , 2006

O R D E R

The first respondent appears. The delay of 46 days is sought to be condoned . Apart from the explanation given in the affidavit, an application is filed seeking to compound the offence. In the facts and circumstances of the case, the delay is condoned.

Number the Crl. Revision Petition.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 11749 OF 2006 IN
CRL. R.P.No. 4353 OF 2006

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Dated this the 6th December , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. The application is signed by the petitioner/ accused and the first respondent/complainant as well as the counsel appearing for the parties. It is stated in the application that the matter is settled between the parties. The application is allowed.

K.T. SANKARAN,
JUDGE.

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